

MODERATOR COMMENTS

*Ronald Riccio**

We still have some time left and before going to questions and answers, we all should thank the panel members for what I thought was a superb discussion of a very interesting complex issue. Thank you very much.

For the students, I would like to pass along one observation I have. We spent two hours and forty-five minutes talking about twenty-seven words, three commas, and one period. There is a valuable lesson to be learned here. We were privileged to have with us this evening seven extremely talented, brilliant persons who respectfully disagreed on a number of issues. But the exercise they all engaged in was the same. They all engaged in rigorous analysis of the words, history, meaning, context, and surrounding circumstances of a constitutional provision. And if you think you can become a successful lawyer by casually reading anything, a statute, the Constitution, a regulation, a case in a case book, even the Gilbert's outline, that's not going to work. If you want to get to the level of these people, myself excluded, you must engage in the same level of rigor that each of them engaged in to make the presentations they made today regardless of whether you agree or disagree with their conclusion.

So having said that, we had four spectators sitting at the end. Two of our most distinguished federal district judges, Judge Ackerman and Judge Lechner, as well as Professor Barnett are present. Therefore, I would like to ask those gentlemen, "What do you make of all this? You've been listening to it for quite a while, what is your reaction to it?"

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